

March 2003
Berrien County Trial Court – Family Division
811 Port Street
St. Joseph, MI 49085

Attorney Referee

(Required) Graduation from ABA accredited law school; admission to the practice of law in the State of Michigan and in good standing with the State Bar. A minimum of five years-paid full time Trial Court experience in the practice of law, or three year's prior experience as an Attorney Referee in the Circuit, Juvenile or Probate Court.

(Desired) Knowledge of courtroom operations and procedures, including ability to conduct specific hearings; knowledge of the justice system and agencies within Berrien County serving the courts, clients; knowledge of court rules and ordinances; knowledge of criminal, civil, family, and juvenile law; knowledge of local ordinances as applicable. Ability to maintain records and reports; communicate clearly, both orally and in writing; conduct legal research and prepare succinct opinions for the judge(s).

(Duties) Conducts various hearings in accordance with the Courts' statutory purpose, policies and procedures; swears in and examines witnesses; takes testimony and hears arguments; decides motions and objections; reconciles conflicting testimony; makes findings of fact, draws conclusions of law, renders decisions, and drafts orders. Makes recommendations on appropriate dispositions to the Probate/Family Division Judge(s). Consults with law enforcement agencies as to the status of youth petitioned to the Family Division. Maintains a complete and accurate monthly record of all hearings, hearing hours and other required documentation.

BERRIEN COUNTY

JOB DESCRIPTION

TITLE: ATTORNEY REFEREE

CLASS CODE:

**DEPARTMENT: Family Division/Probate and Juvenile Court
 Friend of the Court**

GENERAL SUMMARY:

Appointed by the Chief Judge of their respective Circuit or Probate Court, the Attorney Referee(s) is under the direct supervision of the Court Administrator(s) and/or their designee. The Attorney Referee is responsible for conducting various hearings in accordance with the Courts' statutory purpose, policies and procedures, which requires a high degree of independent judgment and knowledge of Michigan Statutory and Case Law. This includes all hearings associated with the Friend of the Court, domestic and child welfare issues, hearing civil infractions and misdemeanor cases, determining probable cause, conducting arraignments, formal and informal hearings associated with delinquency, protective proceedings, and traffic cases referred/petitioned to the Juvenile and Probate Court and/or Friend of the Court, prepares recommendations and orders for the approval of the Judges(s), conducts legal research regarding legal matters impacting the Courts, and advises Judges(s) and Court staff. Further, the Attorney Referee makes decisions relating to custody, visitation and support, release and placement, appropriate programs and services, particularly programs and services for youth and their families, and makes referrals to necessary and appropriate services.

Duties are carried out in accordance with the Courts' statutory purpose, policies and procedures and in accordance with Berrien County's policies and procedures.

The Attorney Referee serves as an at-will employee and is subject to the Michigan Code of Judicial Conduct.

TYPICAL DUTIES: *(An employee in this class may be assigned any or all of the following tasks. These tasks are illustrative only and do not include all of the tasks which may be assigned).*

Under the direct supervision of the Courts' Administrator(s) and/or their designee, the Attorney Referee(s):

1. Conducts various hearings in accordance with the Court's statutory purpose, policies and procedures.
2. Operates video and audio equipment for the recording of all Court hearings conducted as needed.

3. **Conducts hearings relating to civil infractions and misdemeanors, preliminary adjudication, dispositional and progress hearings; swears in and examines witnesses, takes testimony; hears arguments; decides motions and objections; reconciles conflicting testimony; makes findings of fact, draws conclusions of the law, renders decisions and drafts orders; and makes recommendations on appropriate dispositions to the Judge(s).**
4. **Accepts pleas of guilty, sentences defendants based on seriousness of offense, defendant's record and other appropriate factors. Insures that the defendants entering not guilty pleas are scheduled to appear before the Court.**
5. **Conducts complex legal research for the Judge(s), keeps abreast of the case law and legal issues affecting the Courts and prepares legal memorandum.**
6. **Responds to inquiries and requests for legal information from judges, Court Administrators, attorneys, agencies and the public.**
7. **Answers correspondence and complaints regarding cases processed which may entail explaining the violation of the appropriate law.**
8. **Receives and reviews reports and petitions from the Family Independence Agency, Michigan State Police, County Sheriff's Department and Municipal police departments, received from the Prosecuting Attorney's Office. Diverts appropriate cases to public and private agencies. Maintains a close working relationship with same.**
9. **Provides after hours coverage, weekend and holiday assistance to police agencies, Friend of the Court, Juvenile Center and the Prosecuting Attorney's office.**
10. **Assists with special projects and in developing internal policies, procedures, rules, regulations and goals and objectives as they relate to the Courts' matters; assists in implementing new statutes, rules and procedures dictated by the Legislature, Appellate Courts, Court Rules in accordance with the decisions of the Supreme Court, and/or the State Court Administrative Office.**
11. **Performs other related Duties as directed and assigned by the Court Administrator(s), their designee and/or the Chief Judge of the Court.**

ATTORNEY REFEREE/PROBATE COURT/JUVENILE COURT

- **Conducts preliminary, adjudication, dispositional and progress hearings, swears in and examines witnesses, takes testimony, hears arguments, decides motions and objections; reconciles conflicting testimony, makes findings of fact; draws conclusions of law, renders decisions and drafts orders.**
- **Makes recommendations on appropriate dispositions to the Probate Judge(s).**
- **Exercises discretion in matters involving the apprehension and detention of minors pending formal Court action.**

- Consults with law enforcement agencies as to the status of youth petitioned to the Probate Court.
- Maintains a complete and accurate monthly record of all hearings, hearing hours and other required documentation.

ATTORNEY REFEREE/FRIEND OF THE COURT

- Conducts various hearings in Domestic Relations Cases as requested or referred by the Circuit Court Judge(s).
- Conducts hearings relating to Temporary Orders in divorce cases, contested evidentiary hearings and other matters affecting property or children.
- Serves as Legal Counsel to the Director of the Office of the Friend of the Court and staff.
- Prepares and reviews Orders prepared in Domestic Relations Cases, prior to submission to the Circuit Court Judge(s).
- Maintains a separate docket for the scheduling of Court Hearings.
- Issues findings and recommendations on all aspects of Domestic Relations Cases.

MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:

Graduation from ABA accredited law school; admission to the practice of law in the State of Michigan and in good standing with the State Bar. A minimum of five (5) years paid full time trial court experience in the practice of law or three (3) years prior experience as an Attorney Referee in the Circuit, Civil/Criminal Division, Family Division/Probate and Juvenile Court.

Attorney Referees must complete training courses offered by the Michigan Judicial Institute and as required by the Chief Trial Court Judge and/or Presiding Family Division Judge and/or the Courts' Administrator(s).

NOTE: A legal writing sample must accompany application for this position.

DESIRABLE KNOWLEDGE, SKILLS AND ABILITIES

Knowledge of the criminal justice system, courtroom operations and procedures, including ability to conduct specific hearings, and familiarity with agencies within Berrien County that serve the Courts' clients.

Considerable knowledge of criminal, civil, juvenile and family law, statutes, court rules, case law, local ordinances and the State Motor Vehicle Code, criminal, civil, family and juvenile law and the Michigan Motor Vehicle Code.

Ability to maintain records and reports; communicate clearly both orally and in writing; conduct legal research and prepare succinct opinions for the Judges(s); provide in-service training for non-attorney referees and other staff in the Court.

Knowledge of mainframe and personal computers. Ability to use common word processing and spreadsheet software.

SPECIAL EMPLOYMENT CONDITIONS

Employees of the Berrien County Courts must submit to fingerprints and may be subjected to criminal record check; drug testing; mental health screening and clearance; and screening for any conduct prejudicial to the administration of justice before employment.

Possession of a valid vehicle operator's license.

Passing a pre-employment physical is required as a condition of employment. The successful applicant will have appropriate speech and dress, a high level of personal professional conduct for work in a Court setting and in accordance with the standards established by the Court, in-service training as directed by the Chief (s) and Court Administrator(s) must be completed for continued employment.

This description is intended to describe the type and level of work being performed by a person assigned to this job. It is not an exhaustive list of all duties and responsibilities required by a person so classified.

APPROVED:

_____ Date: _____
Trial Court Chief Judge

_____ Date: _____
Family Division Presiding Judge

**Berrien County
6-21-00
Professional
Exempt**

Job Des/AtyRfRV2Doc